

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. Petitioner's spouse, R.B., is the principal wage earner for the family. He has been off and on the RUFA grant over the past two to three years.

4. When R.B. rejoined the family, he was added to the RUFA grant. On or about April 14, 2006, R.B. received a Reach Up Services Referral. R.B. was scheduled for an appointment with E. H., Reach Up case manager, for May 25, 2006. R.B. was at the employment stage for RUFA.

5. E.H. met with R.B. on May 25, 2006. During that meeting, they completed and signed a Family Development Plan (FDP). The FDP listed R.B.'s employment goal as auto mechanic and his work requirement as thirty hours per week starting May 25, 2006. R.B. was scheduled to participate in job search for approximately two weeks and told to attend a Job Search Group at the Department of Labor (DOL) on June 1, 2006 at 9:00 a.m. E. H. scheduled her next appointment with R.B. for June 20, 2006. E. H. testified that she completed the DOL Intensive Job Search & Work Placement Referral during their appointment; this form had a check off for the Thursday 9:00 a.m. job search group. E. H. believes she gave a copy of the referral form to R.B. E. H. gave R.B. an appointment reminder both for the June 1 Job Search meeting and for the June 20 appointment at the conclusion of their appointment.

6. R.B. did not attend the June 1, 2006 Job Search Group.

7. J. L., DOL Reach Up case manager, testified and described DOL office practices. The staff in the front office has a sign-in sheet for their consumers to use. If a person does not sign in, they will inquire what the person wants. To use the computers in the front office, the consumer needs to sign up and receive a user ID. In addition, the front office staff has a list of the prospective Reach Up Job Search attendees. In terms of the job search group, DOL has the attendees sign an attendance list and will look in the front office for attendees. J. L. testified that R.B. did not attend the job search group and that he had not signed in at the front office.

8. R.B. testified that he went to DOL on June 1, 2006 but did not understand that he was supposed to attend a group meeting. R.B. testified he did not sign in at the front desk. He stated he looked through newspapers at job listings. Because he did not see a job he was interested in pursuing, he did not sign in at the desk for referral information. He did not use the computers. R.B. testified that he does not remember the specifics of the May 25, 2006 meeting with E. H. or that he had an appointment with her on June 20, 2006. According to petitioner, she dropped R.B. off at DOL on June 1, 2006.

9. R.B. did not attend the June 20, 2006 meeting with E. H. E. H. testified that R.B. did not contact her to cancel the meeting.

10. The Department pursued two conciliations with petitioner in the past. A conciliation letter was sent to R.B. on or about July 9, 2003 for his failure to make appointments. A second conciliation letter was sent to R.B. on or about March 18, 2004 for nonattendance at appointments. Because there were two prior conciliations, E. H. requested a sanction.

ORDER

The Department's decision is affirmed.

REASONS

Under the Reach Up program, recipients have certain obligations to participate in work requirements. W.A.M. §§ 2360, *et seq.* In two parent households, one parent may be designated the primary caretaker while the other parent is designated the primary wage earner.

A parent's obligation to meet work requirements depends, in part, on his/her designation. W.A.M. §§ 2362.12 and 2362.13. When R.B. returned to the household, he was designated the primary wage earner and required to meet with

his case manager to fulfill his work requirement by first completing a new FDP and then meeting the requirements in the FDP.¹

If the recipient does not comply with the FDP requirements including attendance at meetings, the recipient can face financial sanctions unless there is good cause. W.A.M. § 2370.1. Because petitioner has met the limit of two conciliations within a sixty month period, petitioner now faces sanctions. W.A.M. § 2372.

Petitioner argues that sanctions should not apply because R.B. went to DOL on June 1, 2006. However, R.B. did not attend the Job Search Group.² The Department provided credible testimony that the case manager informed R.B. about the Job Search Group and his requirement to attend this group. R.B.'s testimony is not credible regarding his lack of understanding of the FDP requirements. There is no independent corroboration that R.B. went to DOL on June 1, 2006; his name is not on the list of people who used DOL services that morning.

¹ Petitioner is the primary caregiver for the children. A primary caregiver ordinarily does not need to follow through with her/his FDP provided the principal earner parent fulfills his/her requirements. W.A.M. § 2362.12.

² If R.B. had attended the Job Search Group, R.B. would have received information necessary to comply with the thirty hour per week requirement for job search activities. There is no information in the record that R.B. complied with the thirty hour per week requirement under his FDP.

Further, R.B.'s noncompliance with his FDP was compounded by his nonattendance at his next scheduled meeting with his case manager for June 20, 2006. R.B.'s noncompliance is consistent with his past history of noncompliance during 2003 and 2004.

Based on the evidence, the Department has cause to seek a sanction based on R.B.'s noncompliance with the requirements of his FDP. The Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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